

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH SHELTAIR AVIATION FACILITIES, LLC, FOR PARCEL O AT THE FORT LAUDERDALE EXECUTIVE AIRPORT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, "Sheltair Aviation Facilities, Inc." was originally identified as the Lessee in the Amended and Restated Lease Agreement dated December 21, 2004 for Parcel O at the Fort Lauderdale Executive Airport; and

WHEREAS, in 2020, Lessee converted "Sheltair Aviation Facilities, Inc." to "Sheltair Aviation Facilities, LLC," a Florida limited liability company; and

WHEREAS, the City of Fort Lauderdale ("City") and Lessee have agreed to amend the Lease to change the name of the Lessee to Sheltair Aviation Facilities, LLC, a Florida limited liability company; and

WHEREAS, the Parcel O leasehold consists of 16.32 acres of General Aviation Airport (GAA) zoned property and has been improved with office space, hangars and vehicular parking; and

WHEREAS, Sheltair Executive South, LLC, and its affiliates, have been tenants at the Fort Lauderdale Executive Airport for nearly 40 years and currently lease multiple parcels; and

WHEREAS, the Amended and Restated Lease Agreement contained a scope, schedule, and minimum capital expenditure for required improvements to Parcel 7B, which included a new ramp, landscape improvements, and parking area repairs; and

WHEREAS, on May 7, 2020, the City entered into the First Amendment to the Amended and Restated Lease Agreement for Parcel O which deferred rent payments in 2020 due to the COVID-19 pandemic; and

WHEREAS, Sheltair Executive South, LLC has met the required Phase 1 scope of work but has only accomplished a final capital expenditure of approximately \$416,385.00, which is significantly less than original expenditure requirement of \$1,490,000.00 in the Amended and Restated Lease Agreement; and

WHEREAS, Staff is recommending that Sheltair fulfill the capital expenditure requirement for Phase 1 by performing asphalt milling and repaving on Parcels 1B, 4, 5, and O which are also leased by Sheltair Executive South, LLC and its affiliates; and

WHEREAS, the engineering plans have been designed, and the estimated total cost of work proposed on Parcels 1B, 4, 5, and O is estimated at \$1,101,102.00 and is scheduled to be completed in April 2022; and

WHEREAS, City staff recommends that the City enter into a Second Amendment to the Amended and Restated Lease Agreement, to require Sheltair Aviation Facilities, LLC to complete asphalt milling and repaving on Parcel O to fulfill the original Phase 1 expenditure requirement for Parcel 7B; and

WHEREAS, on December 2, 2021, the Aviation Advisory Board supported staff's recommendation to approve the proposed Second Amendment to the Amended and Restated Lease Agreement for Parcel O.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Second Amendment to the Amended and Restated Lease Agreement changing the name of the Lessee identified in the Amended and Restated Lease Agreement for Parcel O at the Fort Lauderdale Executive Airport to Sheltair Aviation Facilities, LLC and permitting the Lessee to make improvements on Parcel O at the Fort Lauderdale Executive Airport.

SECTION 3. That the City Commission hereby authorizes the City Manager to execute the Second Amendment to the Amended and Restated Lease Agreement, subject to final review and approval by the City Attorney's office.

SECTION 4. That all resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this ____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis _____

Heather Moraitis _____

Steven Glassman _____

APPROVED AS TO FORM:

Robert L. McKinzie _____

Ben Sorensen _____

City Attorney
ALAIN E. BOILEAU